

By: Director - Operations

To: School Organisation Advisory Board – 17 October 2007

Subject: SCHOOLS APPLYING FOR FOUNDATION STATUS

Classification: Unrestricted

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Summary: To inform Members of the current situation regarding Trust Status, and to recommend a process for responding to and reporting proposals.

## **FOR INFORMATION**

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### **Background**

1. (1) The present Government *'aims to transform our school system so that every child receives an excellent education – whatever their background and wherever they live'* (*Changing Category to Foundation: DCSF, 2007, page 1*). They believe that one way of achieving this is for *'all schools to become self-governing'* (*ibid*).

(2) The Education and Inspections Act 2006 sets out provisions for schools to obtain Foundation (sometimes called 'Trust') status using a fast track procedure.

(3) The original status of 'foundation school' was set out in Section 21 of the School Standards and Framework Act 1998. Foundation schools, like Aided Schools (which are really a form of foundation school) employ their own staff and hold their buildings and land 'in trust' from the Local Authority.

(4) Currently we have 57 foundation schools in Kent (13 Primary and 44 Secondary) and 91 Aided schools (78 Primary and 13 Secondary).

(5) Although the Government is not requiring all schools to become 'Foundation', they are being strongly encouraged.

(6) This encouragement sits logically alongside the Government's (and Kent's) view that local authorities should divest themselves of much of their day to day operational responsibilities and become more strategic. A strategic authority would continue to have:

- a strategic overview and co-ordination of statutory services;
- a commissioning (including budget) function;
- a monitoring function;
- an evaluation function; and
- an intervention function, when necessary.

(7) The DCSF has instituted a 'fast track' process, which involves a governing body consulting on a proposal for a (minimum) four week period. They are required to consult with the host local authority as part of the process. At the end of the consultation period the governing body can decide to publish a public notice (in

accordance with the School Organisation: Prescribed Alteration to Maintained Schools, England Regulations 2007).

(8) Unless there are very good reasons not to do so, the change of status will be agreed by the DCSF.

(9) A number of Kent schools are currently considering foundation status, and more will do so.

(10) Two schools, Maidstone Grammar and Broomhill Bank have undertaken consultations which required responses from the Local Authority. In consultation with the Cabinet Member we have not submitted objections.

## **Issues**

2. (1) The consultation period does not usually allow the LEA time to prepare and bring a paper to SOAB for a view on whether to object.

(2) Objections are likely to be 'Canute - like', trying to resist a tide that is unstoppable.

## **Recommendations**

3. It is recommended that:-

- (1) Unless there are very good reasons to the contrary, the LA will not oppose any governing body wishing to move to foundation or trust status.
- (2) The Director (Operations) will consult with the Cabinet Member before responding to a consultation on foundation or trust status.
- (3) Responses will be reported to the next available SOAB.

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### *Background Documents:*

*Changing Category to Foundation: DCSF 2007*  
*Education and Inspections Act 2006: DfES 2006*  
*School Standards and Framework Act 1991: DfES 1998*  
*School Organisation: Prescribed Alterations to Maintained Schools England Regulations, DCSF 2007*